

Performance Objectives And Instructional Cues	<b>OUTLINE AND PRESENTATION</b>
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## **LESSON PLAN                  DOMESTIC VIOLENCE**

### **INTRODUCTION**

1. Course Title: DOMESTIC VIOLENCE RESPONSE

#### **Instructional Goals:**

1. To train officers to safely and effectively respond to domestic calls.

#### **Instructional Objectives:**

Upon completion of this course, the participants will be able to:

1. Identify indications of possible spouse abuse.
2. Identify available alternatives for assistance to battered women.
3. Identify the elements of an order of protection.
4. Identify the responsibilities of law enforcement officers when violations of orders of protection or restraint have occurred.
5. Identify the responsibilities of law enforcement officers at the scene of a spouse abuse complaint.
6. Identify the ethical issues at work in matters related to domestic violence.
7. Identify proper procedures for conducting the initial investigation of domestic abuse.
8. Identify the criteria needed to determine the primary aggressor in a dual assault case.

#### **INSTRUCTIONAL METHODS:**

Class lecture with class participation, handout materials

#### **Handouts:**

#1 Power and Control Wheel

#2 Investigation of Domestic Violence Cases

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>#3 List of Domestic Violence Applicable Charges</p> <p>#4 Domestic Violence Injury Log</p> <p>#5 Order of Protection Forms</p> <p>#6 New Mexico Coalition Against Domestic Violence State Shelter List</p> <p><b>Estimated Time:</b></p> <p>Eight (8) hours</p> <p><b>Bibliography and Resources:</b></p> <p>Brinegar, Jerry. 1992. <i>Breaking Free from Domestic Violence</i>. Minneapolis, MN: CompCare Press</p> <p>Campbell, Jacquelyn C. 1995. <i>Assessing Dangerousness: Violence by Sexual Offenders, Batterers, and Child Abusers</i>. Thousand Oaks, California: Sage Press.</p> <p>Caponera, Betty, Ph.D. <i>Incidence and Nature of Domestic Violence in New Mexico: An Analysis of 1999 Data from the New Mexico Domestic Violence Data Central Repository</i>. June 2000.</p> <p>Crandall, Cameron, MD. <i>Getting Away With Murder II: Violence Against Women Homicide Deaths in 1997-1998</i>. The New Mexico Female Intimate Partner Violence Death Review Team.</p> <p>Davies, Jill. 1998. <i>Safety Planning with Battered Women</i>. Thousand Oaks, California: Sage Press.</p> <p>Domestic Violence in the Los Angeles Police Department: 1997 Domestic Violence Task Force Report</p> <p>Domestic Violence: Understanding the Violence Dynamics Manual. Rhode Island Coalition Against Domestic</p> <p>Firearms and Domestic Violence: Exploring the Links; An update on the role of firearms in domestic violence for researchers and advocates</p>

Performance Objectives And Instructional Cues	<b>OUTLINE AND PRESENTATION</b>
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San Diego Police Department, Domestic Violence Operations Manual, 8/96.

Walker, Lenore E. 1979. *The Battered Woman*. New York, New York: Harper & Row Press.

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**Instructor:** \_\_\_\_\_

**Presentation Date:** \_\_\_\_\_

**Prepared by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Approved by: NMLEA Feb 2014**

**Revised:** \_\_\_\_\_

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO #5	<p><b>I. Domestic Violence Response</b></p> <p><b>A. Opening Statement</b></p> <p>Police officers are realizing their essential role in prevention and intervention in domestic violence. You will often be the only contact a victim might have to get help. You are the frontline for intervening in domestic and family violence.</p> <p>In the past, police have tried to mediate, separate, and make couples "just get through the night" when violence was present in the home. That approach to domestic violence only perpetuated the problem, as children in those violent homes became the next generation of victims and batterers. All too often the only end to this cycle was homicide and suicide. Such crisis intervention techniques ignored the criminal nature of these acts simply because the crimes occurred in the home.</p> <p>In recent years, police departments have found arrest to be an effective early intervention strategy which dramatically reduces the domestic homicide rate and repeat calls for service. By working to stop the violence, make the victim safe, and hold the batterer accountable, police can break the cycle of violence.</p> <p><b>B. The Nature of Domestic Violence</b></p> <p>An overview of the many facets of domestic violence show clearly that it is a serious, dangerous crime calling for a strong law enforcement response. There were 21,982 reports of domestic violence in New Mexico for 1999. However, although the largest metropolitan areas in New Mexico with the exception of Gallup are represented in this data, there are many small town with law enforcement agencies (68) of the total 133 that are not reporting to the Central Repository for New Mexico. Additionally, 60% or 4,517 of the victims served by domestic violence service providers did not report their crime to a law enforcement agency. Therefore, a true estimate of domestic violence in New Mexico still eludes us.</p> <p>1. Lethality</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO #6	<p>Domestic violence can be lethal. Every year in our state, an average of 15 women are killed by their intimate partners. In New Mexico, 46 percent of all reported female homicides were committed by their spouses or intimate partners.</p> <p>2. Prevalence</p> <p>Domestic violence calls also represent one of the largest categories of assault-related calls regularly received by police departments.</p> <p>3. Invisibility</p> <p>Domestic violence may be even more widespread than indicated by current statistics from police reports, hospital emergency rooms and battered women's shelters. The particular characteristics of the crime make it difficult to document and, therefore, often invisible.</p> <p>The characteristics of domestic violence which have contributed to its invisibility include:</p> <ul style="list-style-type: none"> <li>a) It usually takes place inside the home.</li> <li>b) It usually occurs in the absences of witnesses other than children.</li> <li>c) More often than not, no one reports it to the police.</li> <li>d) It is often concealed from relatives, co-workers, friends and health and social welfare professionals.</li> <li>e) When victims do report the violence to others, they are often not believed. People don't want to hear about it, so they often ignore or discount the victim's statements.</li> <li>f) Witnesses often try to minimize or ignore the violence, too.</li> <li>g) Finally, offenders also often successfully conceal, deny or rationalize the violence.</li> </ul>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO # 1	<p>4. Who are the victims</p> <p>There is no "typical" victim of domestic violence. Available statistics present a multi-faceted profile composed of people of all ages, races, religious affiliations and social and economic backgrounds.</p> <p>We know that different categories of domestic violence victims turn to different sources for help and that where they turn often depends on such factors as economic resources, religious affiliation, ethnic and cultural identification, family resources, degree of injury, and the visibility and availability of community resources.</p> <p>5. Most Victims are Female</p> <p>Victims of domestic violence share one important characteristic: Almost all of them are women. Over 95 percent of the victims are women. Although a few cases of female offenders have been encountered, male victims more often complain of abuse from adult children or gay male partners. Most adult victims of serious domestic violence are women.</p> <p>6. Injuries and Weapons</p> <p>Victims of domestic violence sustain a wide range of injuries.</p> <ul style="list-style-type: none"> <li>a) Bruises</li> <li>b) Black eyes</li> <li>c) Fractures</li> <li>d) Missing teeth</li> <li>e) Large contusions &amp; swelling</li> <li>f) Stab wounds</li> <li>g) Strangulation</li> <li>h) Rape</li> <li>i) Sexual assault</li> </ul> <p>7. Domestic Violence Usually Reoccurs and Gets Worse</p> <p>Escalation of domestic violence is a common pattern. With each new assault, the violence usually intensifies.</p> <p>8. Pregnancy</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>a) More babies born with birth defects due to abusiveness</p> <p>C. Domestic Violence - Defined</p> <ol style="list-style-type: none"> <li>1. Domestic violence is chronic abuse by one current or former intimate partner against the other.</li> <li>2. Legal definition <ul style="list-style-type: none"> <li>Under 40-13-2 of the New Mexico State Statutes:</li> <li>a) Domestic abuse means any incident by a household member resulting in: <ol style="list-style-type: none"> <li>(1) physical harm</li> <li>(2) severe emotional distress</li> <li>(3) bodily injury or assault</li> <li>(4) a threat causing imminent fear of bodily injury by any household member</li> <li>(5) criminal trespass</li> <li>(6) criminal damage to property</li> <li>(7) repeatedly driving by a residence or workplace</li> <li>(8) telephone harassment</li> <li>(9) stalking</li> <li>(10) harassment or</li> <li>(11) harm or threatened harm to a child</li> </ol> </li> <li>b. Household Member means a spouse, former spouse, family member, including a relative, parent or former stepparent, present or former-in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member.</li> </ul> </li> </ol> <p>D. Facts about Domestic Violence</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ol style="list-style-type: none"> <li>1. The FBI estimates a woman is severely beaten in the U.S. every 15 seconds.</li> <li>2. Violence against wives will occur at least once during two-thirds of all marriages.</li> <li>3. Another study suggests that one out of every two women will be in a battering relationship at some time in her life.</li> <li>4. Twenty-five percent of all wives are severely beaten during the course of their marriage.</li> <li>5. An estimated three to four million American women are battered each year by their husbands or partners.</li> <li>6. Domestic Violence is a crime. Battery or assault on a female is a misdemeanor, punishable by law.</li> <li>7. Women are nine times more likely to be killed in a family relationship than on the streets.</li> <li>8. Sexual assault frequently accompanies physical abuse. Ten to fourteen percent of all married women and at least forth percent of battered wives have been raped by their husbands.</li> <li>9. Domestic violence is rarely an isolated incident. One study demonstrated women being beaten as many as 35 times prior to their contact with the police.</li> <li>10. Domestic violence increases in frequency and severity over time.</li> <li>11. Domestic violence causes serious and sometimes permanent damage.</li> </ol> <p>Twenty percent of visits to emergency medical services by females are the direct result of domestic violence, and this physical abuse has more long-term effects than any other crime.</p> <p>"Among women who experienced a violent victimization, injuries occurred almost twice as frequently when the offender was an intimate (59%) than when a stranger (27%). Injured women were also more likely to require medical care</p>



Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>if the attacker was an intimate (27%) rather than a stranger (14%)."</p> <p>12. Abusive husbands and lovers harass 74% of employed battered women at work, either in person or over the telephone, causing 56% of them to be late for work at least five times a month; 54% to miss at least three full days of work a month; and 20% to lose their jobs.</p> <p>13. Victims of assault are vulnerable to self-destructive behavior. One in four suicide attempts, one in two for women of color, are preceded by an assaultive relationship.</p> <p>E. Domestic Violence: The effects on children</p> <p>Children who live in violent homes are often the victims of physical and/or sexual abuse themselves. And, those children who do escape direct harm live with the tragic impact of witnessing violence.</p> <p>Experts conservatively estimate that 3.3 to 4.3 million children witness domestic violence in the home each year based on the actual reported cases of domestic violence. Every hour more than 40 children are abducted by a parent; 54% of the abductions occur in the context of spousal abuse.</p> <p>Child abuse: Fifty to seventy-five percent of male batterers also abuse their children. Battered women often know of the abuse but must face the complex realities of the batterer's threats to take the children, to withhold financial support or worse to kill them all.</p> <p>The long-term effects of domestic violence perpetuates the generational cycle of violence, not only in intimate relationships but in society as a whole.</p> <ol style="list-style-type: none"> <li>1. Eight percent of runaways are from abusive homes.</li> <li>2. They are four times more likely to be a juvenile delinquent when the child is from an abusive home.</li> <li>3. Sixty-three percent of all boys' ages 11 to 20 arrested for homicide have killed their mother's assaulter.</li> <li>4. Kids from these homes are 1000 times more likely to abuse when they become adults.</li> </ol>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ol style="list-style-type: none"> <li>5. They have a seventy-four percent chance of committing crimes against other people.</li> <li>6 . They are 24 times more likely to commit sexual assault or rape.</li> <li>7. Up to age 4 shaking, crying, poor sleeping, stuttering, etc.</li> <li>8. General aggressiveness, pattern of over-compliance, fearfulness, low self-esteem, fear and distrust of close relationships, conflicted over parents, confusion over right and wrong behavior, psychosomatic complaints, regressive behavior, bedwetting, problems relating to authority, victimized sibling/peers, likely to repeat the patterns they learned.</li> </ol> <p>One study found that some perpetrators of domestic violence deliberately arrange to have their children witness the violence.</p> <p>F. Understanding the Cycle of Violence Pattern</p> <p>According to this widely accepted theory developed by Dr. Lenore Walker, there are three distinct cycles within the abusive relationship. There is the (1) tension building phase, the (2) acute battering incident, and the (3) honeymoon phase.</p> <p>1. Phase One - Tension Building</p> <p>This phase is marked by an increase in tension where a victim will report "walking on eggshells" in order to try to avoid the battering.</p> <ol style="list-style-type: none"> <li>a) Tension building may last hours or months or even years.</li> <li>b) The soon-to-be aggressor is edgy, irritable, possessive, demanding.</li> <li>c) Minor outbursts may betray his mounting anger and aggression.</li> <li>d) The victim may deny or withdraw from stressful periods, or be too nurturing or compliant in order to avoid further confrontations.</li> <li>e) This proves futile because the victim can not accommodate the aggressor's unrealistic demands.</li> </ol>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>f) Psychological warfare</p> <p>2. Phase II - Acute battering</p> <p>In this phase, the acute battering incidents may vary from verbal and physical aggression to punching, stabbing, or even homicide.</p> <ul style="list-style-type: none"> <li>a) The aggressor explodes having convinced himself that violence is justified.</li> <li>b) Actions may range from shoving, slapping, or punching or escalate to sexual abuse, torture or murder.</li> <li>c) Even without physical attack the victim may threatened with a knife or gun.</li> <li>d) Pets and property may be destroyed.</li> <li>e) Police are called during this phase.</li> <li>f) Most dangerous cycle because violence is usually occurring.</li> <li>g) The aggressor will be angry, the victim will be fearful.</li> <li>h) The victim may consciously or subconsciously provoke the attack to get it over.</li> </ul> <p>3. Phase III - Honeymoon</p> <p>Phase three is marked by denying or minimizing the violence, promises and apologies, and the hope that the battering will never happen again.</p> <ul style="list-style-type: none"> <li>a) This is the loving period when the aggressor expresses regret about the damages and injury, and may deny his responsibility.</li> <li>b) He apologizes and attempts to comfort the victim and promises better treatment in the future.</li> <li>c) The aggressor is apologetic and loving. This may be the only time that he/she is good to the victim.</li> </ul>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ul style="list-style-type: none"> <li>d) The victim wants to believe that this will not happen again.</li> <li>e) Police often arrive in this phase, and thus both victim and suspect are reluctant to talk with the officers.</li> <li>f) In prolonged abusive relationship, phase III becomes a time when there is simply an absence of violence.</li> </ul> <p>Over time the abuse dangerously escalates and the honeymoon phase shortens and sometimes disappears entirely. The time of the cycle varies from relationship to relationship.</p> <p>G. Why do women stay in such abusive situations</p> <p>1. Situational factors</p> <ul style="list-style-type: none"> <li>a) Economic dependence</li> <li>b) Fear of greater physical harm to themselves and their children if they attempt to leave</li> <li>c) Fear of psychological/social damage to the children</li> <li>d) Fear of losing custody of the children</li> <li>e) Lack of affordable housing that would provide safety for the victim and children.</li> <li>f) Lack of real alternatives for employment and financial assistance, especially for victims with children.</li> <li>g) Social isolation resulting in lack of support from family or friends and lack of information regarding alternatives.</li> <li>h) Lack of affordable legal assistance necessary to obtain a divorce, custody orders, or a restraining order.</li> <li>i) Believing in cultural/family/religious values that encourage the maintenance of the family unit at all costs.</li> <li>j) Fear of an unknown future.</li> </ul>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
Handout #1	<ul style="list-style-type: none"> <li>k) Fear of violence and the perpetrator</li> <li>l) Lack of shelters and victim-advocacy programs to provide transitional support</li> <li>m) Being immobilized by psychological and physical trauma (victims of trauma may not be able to mobilize all that it takes to separate and establish a new life for themselves and their children, particularly during the period immediately following the trauma or if they suffered multiple traumas)</li> <li>n) Continuing to hope and believe the perpetrator's promise to change and to stop being violent because of the perpetrator's positive qualities.</li> <li>o) Being told by the perpetrator, counselors, the courts, police, ministers, family members, and friends that the violence is the victim's fault, and that she could stop the abuse simply by complying with the perpetrator's demands; in these cases, the victim learns that the systems with the power to intervene will not act, and she is forced to comply with the perpetrator in hopes of stopping the abuse.</li> </ul> <p>2. Emotional factors</p> <ul style="list-style-type: none"> <li>a) Fear of loneliness</li> <li>b) Insecurity over potential independence and lack of emotional support</li> <li>c) Guilt about failure of marriage</li> <li>d) Fear that husband is not able to survive alone</li> <li>e) Belief that husband will change</li> <li>f) Ambivalence and fear over making formidable life changes</li> </ul> <p>3. Power and Control Wheel</p> <p>Domestic violence is characterized by a pattern of increasing power and coercive control. It is a continuum of behavior ranging from verbal abuse, economic exploitation, sexual abuse, bodily assaults, and homicide. The power and control</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO # 7 & Handout 2	<p>wheel, invented by the Domestic Abuse Intervention Project, illustrates the wide variety of abuse utilized in these relationships. This abuse is fundamentally about power and control by one partner over the other partner.</p> <p>H. Responding to a Domestic Violence Situation</p> <p>Having a developed plan of action will greatly decrease officer assault and death incidences. Being mentally prepared for possible attacks by approaching carefully and making a cautious entry, by calming and separating the involved individuals, by selecting the police action most likely to prevent further violence.</p> <p>I. Conducting the Preliminary Investigation</p> <p>A major responsibility of a patrol officer responding to a domestic situation is to calm the individuals and to make the area a "safe" environment to correctly assess the situation.</p> <p>a. Separate the involved parties to control and interview</p> <ol style="list-style-type: none"> <li>(1) Interview the victim out of sight and out of hearing range of the suspect.</li> <li>(2) Make it easy for the victim to trust you, to feel safe and to disclose information to you. Watch your body language, tone of voice and especially the words you use. Pay visual attention to the victim.</li> <li>(3) Don't judge your victim. A victim is a victim regardless of the race, sexual orientation, religious preference, style of dress, etc. Use the law and probable cause to determine your course of action.</li> </ol> <p>b. Victim Fears</p> <ol style="list-style-type: none"> <li>(1) Many factors affect a victim's ability and/or willingness to cooperate and provide information in an interview. <ol style="list-style-type: none"> <li>(a) Emphasize that the victim is not responsible or to be blamed for the violence</li> <li>(b) Explain that he/she is safe while you are present and that the police are here to help the victim</li> </ol> </li> </ol>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<div data-bbox="760 283 1479 394"> <ul style="list-style-type: none"> <li>(c) Tell the victim that he/she is not "alone" and That this happens unfortunately to many people</li> </ul> </div> <div data-bbox="618 430 1117 468"> <p>c. Victim Reluctance to Cooperate</p> </div> <div data-bbox="667 504 1523 1161"> <ul style="list-style-type: none"> <li>1. Officers may encounter victims who appear extremely reluctant to cooperate with the investigation. In addition, to such issues as embarrassment, shame, guilt and fear, there are additional elements influencing domestic violence victim's response to law enforcement personnel. <ul style="list-style-type: none"> <li>(a) Lack of faith in the criminal justice system</li> <li>(b) Genuine confusion</li> <li>(c) Fear of retaliation</li> <li>(d) Economic hardships</li> <li>(e) Social stigma</li> <li>(f) Isolation</li> </ul> </li> </ul> </div> <div data-bbox="618 1197 1385 1234"> <p>d. Questions to be asked to determine injury or arrest</p> </div> <div data-bbox="667 1270 1453 1927"> <ul style="list-style-type: none"> <li>(1) Can you tell me what is going on?</li> <li>(2) You have an injury. It looks like someone hit you. Who?</li> <li>(3) Has this person ever hit you before?</li> <li>(4) What did the person hit you with?</li> <li>(5) Where on your body were you hit?</li> <li>(6) Open or closed hand?</li> <li>(7) How many times were you hit?</li> <li>(8) Were there any threats made against you?</li> <li>(9) Are there any weapons in the house?</li> </ul> </div>

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IO #8	<p>e. Record spontaneous declarations or excited utterances of the victim</p> <p>(1) If the victim is scared or crying, her statements may later be admissible in court based on officer's testimony, e.g., "My husband hit me in the face."</p> <p>(2) Statements such as, "I'm in a lot of pain...my stomach hurts bad," may later be admissible as a declaration of then existing physical state.</p> <p>(2) Statements such as, "I'm afraid he's going to kill me," may later be admissible as a declaration of then existing mental state.</p> <p>f. Dual Arrests, Self defense and Predominant/Primary Aggressor Analysis</p> <p><b>40-13-1.1 Legislative findings; state policy; dual arrests</b>  The legislature finds that domestic abuse incidents are complex and require special training on the part of law enforcement officers to respond appropriately to domestic abuse incidents. The state of New Mexico discourages dual arrests of persons involved in incidents of domestic abuse. A law enforcement officer, in making an arrests for domestic abuse, shall seek to identify and shall consider whether one of the parties acted in self defense.</p> <p>When responding to a domestic violence call officers must first confirm that neither party used force in self-defense. All self-defense claims should be completely explored before moving to a predominant/primary aggressor analysis.</p> <p>Elements of Self Defense</p> <ul style="list-style-type: none"> <li>-The person using force had a reasonable belief that she/he was at risk of bodily harm.</li> <li>-The risk of harm was actual or imminent.</li> <li>-The force used was that force necessary to prevent or stop the infliction of bodily harm.</li> </ul> <p>Defensive Injuries:</p> <ul style="list-style-type: none"> <li>• Scratches to the back of hands, wrists, or arms.</li> <li>• Scratches to face or neck.</li> <li>• Bite marks on inside of arms (indicates possible strangulation from behind).</li> </ul>



Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ul style="list-style-type: none"> <li>• Indications of hair being pulled.</li> <li>• Groin or “kicking” injuries</li> <li>• Bite marks to the chest or neck</li> <li>• Injuries caused by any hard object or weapon (equalizer).</li> <li>• Injuries located predominantly on back, buttocks, and back of legs (indicate defensive “fetal position” posture).</li> </ul> <p>If the officer does confirm that neither party used force in self defense, then he/she should consider whether one party is the predominant/primary aggressor in a dual assault case. To identify the primary aggressor examine:</p> <ol style="list-style-type: none"> <li>(1) The history of violence (prior assault/battery convictions) of the parties involved, including history of calls for service.</li> <li>(2) Relative size, bulk, and strength of the parties involved.</li> <li>(3) Any physical disabilities or impairments</li> <li>(4) Current or previous protection order filed against either party</li> <li>(5) Relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive</li> <li>(6) The presence of fear</li> <li>(7) The likelihood of future injury to any party</li> </ol> <p>(1) The fact that the victim and suspect are of the same gender.</p> <p>J. Interviewing techniques: Children</p> <ol style="list-style-type: none"> <li>1. Away from parents and in a comfortable place for children. Also, be at eye level with the child.</li> <li>2. Befriend the child and explain why you are there</li> </ol>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ol style="list-style-type: none"> <li>3. When questioning be SURE not to indicate what response you are looking for or the child may simply comply</li> <li>4. Be alert to any indication that the child is fearful of one or both parents or they feel responsible for what happened. Be alert for any signs of child abuse.</li> <li>5. Remember the correlation between domestic violence and child abuse is high.</li> <li>6. Major influences on child's ability to answer questions <ol style="list-style-type: none"> <li>a) Child's age</li> <li>b) Child's ability</li> <li>c) Emotional trauma As age and ability decreases and trauma increases indirect questions become more difficult for children to answer</li> </ol> </li> </ol> <p>J. Interview techniques: Suspect</p> <ol style="list-style-type: none"> <li>1. Use calming techniques if necessary. Look at the suspect</li> <li>2. Don't take accusatory statements, instead allow them to tell their story before confronting them with contradictory information</li> <li>3. Acknowledge the suspect's frustrations, anger, concern, but do not "collude" with the suspect</li> <li>4. Document all spontaneous admissions</li> </ol> <p>K. Arrest Procedures</p> <p>Upon arrival at domestic violence related incidents, the officer's first duty should be to stop the violence and provide for the safety of the victim. After this has been done, the officer should diligently evaluate the offense including injuries and potential injuries. Because emotions are intensified after domestic violence incidents, the victim may not acknowledge or recognize injuries. The officers evaluation of the victim's injuries is crucial to making the</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
Handout 3	<p>arrest. The extent of the injury and type of relationship will dictate the type of crime charged.</p> <p>M. Charging</p> <p>There are a number of charges, which frequently arise in domestic violence cases. This section lists those charges along with the applicable NM State Statute.</p>
Handout 4	<p>N. Documentation</p> <p>A report should be written in such a way to be comprehensive and easy to follow. It should describe in detail the gravity of the problem, both currently and historically. It should ideally inspire the prosecutors and detectives to work the case.</p> <ol style="list-style-type: none"> <li>1. State times (incident, arrival, statement)</li> <li>2. Identify parties present</li> <li>3. Describe emotional state of victim and suspect</li> <li>4. Describe injury to victim</li> <li>5. Describe injury to suspect</li> <li>6. Describe the scene</li> <li>7. State relationship of victim and suspect</li> <li>8. State if children present, not present, witnessed, or involved. Describe involvement</li> <li>9. State witnesses names, addresses, phones, workplaces</li> <li>10. State how detective bureau or other can reach victim during next 24 hours</li> <li>11. State named, address, phone of person who will always know how to reach victim</li> <li>12. Include in narrative: victim statement, suspect statement, witness statement, probable cause for each arrested party. Self defense?</li> </ol>

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IO # 3 & Handout 5	<ol style="list-style-type: none"> <li>13. Prior history of domestic violence</li> <li>14. Presence of domestic violence protective order</li> <li>15. Referral services officer recommended</li> <li>16. Seize weapons and other evidence</li> </ol> <p>L. Photos</p> <ol style="list-style-type: none"> <li>1. The investigation officer should ensure that photos are taken of the victim's injuries, the suspect and the crime scene</li> <li>2. The officer should remember to ask the victim about injuries that are possibly concealed by clothing or otherwise not readily apparent.</li> <li>3. Photos should also be taken of any children present during the incident</li> <li>4. Take follow-up photographs from 24-72 hours afterwards</li> </ol> <p>M. Evidence collection</p> <ol style="list-style-type: none"> <li>1. The officer should collect and preserve all physical evidence necessary to support prosecution, including <ol style="list-style-type: none"> <li>(a) Evidence substantiating the victim's injuries</li> <li>(b) Evidentiary articles that substantiate attack</li> <li>(c) Evidence recording the crime scene</li> <li>(d) Impound weapons used in the assault, to include telephone cords, broomsticks, etc.</li> <li>(e) Impound torn or bloody clothing</li> <li>(f) Smeared make-up and evidence of injury on both parties</li> </ol> </li> </ol> <p>N. Domestic violence protective orders</p> <p>Police officers often advise victims of domestic violence and victims of harassment to obtain a domestic violence order.</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>Domestic violence orders are civil legal measures, obtained by private citizens ordering one person to stay away from another and to refrain from making contact of any kind for a specified period of time. They are legal measures aimed at preventing continued violence, threats, or harassment.</p> <p>Temporary Restraining Orders (TRO's) are granted in cases where there has been physical abused (attempted or actual) threats of violence. They can also be obtained if it can be shown that substantial emotional distress has been caused by the defendant's behavior, or that his/her conduct would have caused a "reasonable person" to suffer emotional distress, even if there has been no physical violence to date.</p> <p>The actual effectiveness of TRO's depends upon strong law enforcement response to violations of these order. Violations of a court order, including TRO violations, are a misdemeanor criminal offense.</p> <p><b>REMEMBER:</b> If an assault or other criminal offense has occurred at the time of a TRO violation, the appropriate criminal charges should be made, and necessary procedures followed. Charging the offender with a violation of the order should merely be an additional charge, and should not be used as an alternative to appropriate assault charges.</p> <p>If at the scene of a domestic disturbance, a person shows or informs the office of the existence of a Protective Order, it is crucial to establish the present status and terms of the Order. Ask the following questions:</p> <ol style="list-style-type: none"> <li>1. Is there a Protective Order on file?</li> <li>2. What is the date of the Order? Has it been signed by a District Court Judge and certified by the court?</li> <li>3. what is the expiration date?</li> <li>4. What are the terms of the order?</li> <li>5. Is there a Return of Service on file or has another officer given the needed notice to the person being restrained?</li> </ol>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO # 4	<p>The existence of this information shows that the suspect has the needed knowledge to be in violation of the Order.</p> <ol style="list-style-type: none"> <li>1. The elements of the crime require willful disobedience of the terms of the Order.</li> <li>2. If this information is not established, the suspect cannot be arrested at the time of the disturbance.</li> <li>3. If the Return of Service is not on file and notice by another officer has not been established, proceed to give a copy of the Order to the suspect or verbally admonish the suspect.</li> <li>4. If the victim has a copy of the Order, show and then give the copy to the suspect to keep.</li> <li>5. If the victim does not have a copy of the Order, you will notify the suspect of the terms of the Order and then direct the restrained person to get a copy of the Order from the issuing court.</li> <li>6. Advise them that they are now subject to the terms of the Order and can be arrested for any further violations.</li> <li>7. An arrest may be made at this time if the suspect refused to comply with the terms of the Order.</li> </ol> <p>O. Procedure to Obtain Emergency Protection Orders</p> <p>Emergency Protection Orders (EPO's) are intended as a temporary measure of protection until a victim can obtain a more permanent Temporary Restraining Order. Most are valid for only 24 hours, although with a combination of weekend and holidays, one could last up to seventy-two (72) hours.</p> <p>Enforcement of Emergency Protection Orders should follow the same guidelines as those used for TRO's.</p> <p>The restrained party must have knowledge of the existence of the order for his or her actions to be in violation.</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
IO # 2 & Handout 6	<p>P. Full Faith and Credit</p> <p>40-13-6D This statute directs officers to honor tribal court orders of protection and orders of protection issued by courts of other states.</p> <p>1. Enforcement of foreign Orders</p> <p>The enforcing (non-issuing) jurisdiction must follow these three rules:</p> <ul style="list-style-type: none"> <li>a) It must honor the foreign protection order, even if the protected party would not have been eligible for a protection order in that jurisdiction.</li> <li>b) It must enforce all the terms of the foreign protection order, even if the order provides relief that would be unavailable under the laws of the enforcing jurisdiction.</li> <li>c) It must treat the foreign protection order as if it were issued in the (non-issuing) jurisdiction and apply whatever sanctions or remedy is available under the laws of that (enforcing) state, tribe, or territory for violations of the foreign order.</li> </ul> <p>Any order of protection that meets the requirements of VAWA may be eligible for entry into the NCIC protective order files.</p> <p>Q. Referral</p> <p>In almost all situations, officers should attempt to refer individuals to outside sources for help. It is imperative that officers use this opportunity to encourage all the family members to seek ways to stop the violence in their homes.</p> <ul style="list-style-type: none"> <li>1. Domestic Violence Shelters</li> <li>2. Support Groups</li> <li>3. Court agencies</li> </ul>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<div data-bbox="667 283 1289 394"> <ul style="list-style-type: none"> <li>4. Victim-assistance services</li> <li>6. AA or NA substance abuse programs</li> </ul> </div> <div data-bbox="573 430 1081 464"> <p>R. Police Office Involved Domestic Violence</p> </div> <div data-bbox="620 501 1487 613"> <p>Acts of domestic violence by a police officer against a partner are estimated to be at least as common as acts committed by the general population.</p> </div> <div data-bbox="620 651 1529 940"> <p>The on-duty supervisor should respond to the call and assume all on-scene decision making. Leaving call response to officers of lesser or equal rank to the suspect officer puts the responding officer in a difficult situation. The presence of a ranking officer on the scene resolves this problem. We recommend that in police officer domestic violence cases no fewer than two officers, with at least one of senior rank to the accused officer, be present.</p> </div> <div data-bbox="477 978 747 1012"> <p>S. Civil Liability</p> </div> <div data-bbox="573 1050 1520 1379"> <p>In recent years, a number of precedent setting lawsuits have arisen out of law enforcement officer's acts or failure to act in response to domestic violence calls. In both constitutional (i.e., equal protection) and tort (i.e., statutory) claims, battered women have been increasingly successful in holding individual officers and their departments accountable for their failure to protect the rights of these victims. In several landmark cases, their failure to provide effective intervention and protection of victims has resulted in awards amounting to million dollars.</p> </div> <div data-bbox="573 1417 1055 1451"> <p>A. Negligent Failure to Protect</p> </div> <div data-bbox="667 1488 1520 1635"> <p>This form of negligence may occur if a police officer fails to take adequate actions to protect a person from a known and foreseeable danger. These claims most often arise when police officers fail to protect battered women.</p> </div> <div data-bbox="667 1673 1256 1707"> <p>1. THURMAN V. TORRINGTON (CT)</p> </div> <div data-bbox="763 1745 1520 1961"> <p>On June 25, 1985 a federal court in Connecticut found in the City of Torrington, Connecticut and 24 of its police officers guilty of violating the constitutional rights of a domestic violence victim by providing her less protection than victims in cases not involving domestic violence. The court awarded the victim,</p> </div>



Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<p>Tracy Thurman, \$2.3 million; her son, who had watched his father stab and kick his mother, was awarded an additional \$300,000 for emotional suffering sustained during the incident.</p> <p>Over a period of eight months, Ms. Thurman notified the police that her husband had made repeated threats on her life. Her attempts to file complaints against him were ignored or rejected. In the meantime, the couple separated and Ms. Thurman's husband was convicted of a breach of peace after an assault on her. Ms. Thurman obtained a court order forbidding her husband to assault or threaten her. Despite her continued complaints to the police and their knowledge of the court order, they failed to arrest him. The attacks culminated with a brutal stabbing incident.</p> <p>The jury in this case found that the police department was negligent in their handling of Thurman's complaints and in fact had a policy of nonenforcement of the law in domestic violence cases. It also agreed with Thurman's claim that the department's policy of refusing to intervene in and/or discouraging arrests in domestic violence cases constituted disparate treatment under the 14<sup>th</sup> Amendment's equal protection clause.</p> <p>B. Failure to Warn- victim notification</p> <p>A new state statute 40-13-6C states that the jail or detention center shall make a reasonable attempt to notify the arresting law enforcement agency or officer when the abusing household member is released from custody. The arresting law enforcement agency shall make a reasonable attempt to notify the victim that the abusing household member is released from custody. It is imperative that agencies set up guidelines in order to comply with this new requirement.</p> <p>Departments across the nation have been held liable in instances where after abusers were arrested and released from custody they did not notify the victim and the abuser ended up killing the victim. In order to avoid litigation it is recommended that the arresting officer at the scene of a domestic abuse will ask the victim the following information:</p>

Performance Objectives And Instructional Cues	OUTLINE AND PRESENTATION
	<ol style="list-style-type: none"> <li>1. Telephone number where he/she may be contacted personally, or if a telephone number is not available.</li> <li>2. Telephone number where a message can be left for the victim in order to provide notification, or in those rare instances where there is no telephone number available;</li> <li>3. The officer will get an address where notification of the release of the abusing household member can be made.</li> </ol>

Performance Objectives And Instructional Cues	<b>OUTLINE AND PRESENTATION</b>
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It is highly recommended that the instructional objective which states that Upon completion of this course the participants will be able to demonstrate and identify proper techniques to mediate domestic conflict be taken out.

### **THE INEFFECTIVENESS OF MEDIATION AND ARREST AVOIDANCE**

In the past, criminal justice responses to domestic violence reflected those of society in general. Consequently, officers were not often vigilant in paying close attention to these calls. Officers usually avoided making arrests or writing reports. Rather than arrest, mediation between the two parties was the preferred law enforcement response.

Current studies suggest that this type of approach does not prevented repeated crime and may leave the victim in further danger of being battered. Domestic violence is a crime and should be enforced in this manner. Officers are not social workers and do not have the intensive training needed to properly mediate situations. There is also is an unequal balance of power due to the dynamics of these relationships.

Since the late 1980's departments all across this country have moved away from the mediation approach in dealing with domestics. We also now have a statutory duty to investigate these crimes and have mandatory arrest situations when dealing with these perpetrators.

One of the primary experiments which provided the onus for arrest was the Kansas City Study. The Kansas City study provided dramatic evidence that arrest avoidance and mediation are not only ineffective but costly in terms of human life and, if no conclusive action is taken, in terms of repeat responses to the scene. Furthermore, arrest avoidance reinforces the offenders belief that his violent behavior is not a criminal matter. Hence, the violence most likely will be repeated and will escalate.

To tell these officers how to mediate in these relationships is a disservice to the victims, creates liability for the agency and is a danger to the officers.